

REMARKS

After entry of this Amendment, claims 1-12, 14-28, and 30-40 are pending in the application. Claims 33-40 have been added in this Amendment. Claim 1 has been amended to include the subject matter previously recited in claim 13. Claim 13 has been cancelled without prejudice. Claim 17 has been amended to include the subject matter previously recited in claim 29. Claim 29 has been cancelled without prejudice. Reconsideration of the application as amended is requested.

In the Office Action dated October 1, 2004, the Examiner indicated that claims 13, 15, 29, and 31 were objected to as being dependent on a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 1 has been amended to include the subject matter previously recited in claim 13 including all of the limitations of the base claim and any intervening claims. Claim 17 has been amended to include the subject matter previously recited in claim 29 including all of the limitations of the base claim and any intervening claims. It is submitted that these amendments place claims 1-12, 14-28, and 30-32 in suitable condition for allowance; notice of which is requested.

Claims 33-40 have been added in this Amendment for the Examiner's consideration. It is submitted that claims 33-40 are patentable over the prior art of record, particularly the cited references. Each of the new independent claims recites sensing or monitoring a characteristic corresponding to flow of fluid to the tool to be controlled or monitoring a characteristic corresponding to a fluid flow signature over a predetermined period of time for fluid supply to the tool to be controlled. Claim 33 also recites that the characteristic corresponding to flow is at least one of differential pressure and acoustic data. Claim 34 recites a port connectible to a supply of pressurized fluid regulated to a constant pressure, means for monitoring a characteristic corresponding to flow of fluid to the tool to be controlled at the regulated constant fluid pressure, and means for analyzing the monitored characteristic to determine tool process validity. Claim 37 recites the improvement of means for monitoring a characteristic corresponding to a fluid flow signature over a predetermined period of time and means for determining tool process validity based on the monitored fluid flow signature versus time.

In contrast, the McKendrick reference discloses adjusting the pressure of fluid applied to a fluid powered tool, which is completely different from monitoring the flow of fluid to the tool to be controlled where the fluid is supplied at a regulated

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constant fluid pressure. The McKendrick reference taken singularly or in any permissible combination, fails to anticipate, teach or suggest the invention as recited in claims 33-40. The Lysaght reference discloses a device that monitors either the pressure of an air tool, the current of an electric tool, or the torque of a mechanical wrench to determine if the tool shut off at a target torque. The Lysaght reference taken singularly or in any permissible combination, fails to anticipate, teach or suggest monitoring fluid flow to the tool to be controlled at a regulated constant fluid pressure and analyzing the monitored fluid flow characteristic to determine tool process validity as more specifically recited in claims 33-40. The Bickford et al reference discloses converting the operating pressure of the wrench, after compensation for the temperature of the pressure transducer, to a torque measurement. The Bickford et al reference taken singularly or in any permissible combination, does not anticipate, teach or suggest, monitoring a characteristic corresponding to fluid flow to a tool to be controlled at a regulated constant fluid pressure, or monitoring a characteristic corresponding to a fluid flow signature over a predetermined period of time for fluid supplied to the tool to be controlled as more specifically recited in new claims 33-40. Consideration of new claims 33-40 is requested.

It is respectfully submitted that this Amendment traverses and overcomes all of the Examiner's objections and rejections to the application as originally filed. It is further submitted that this Amendment has antecedent basis in the application as originally filed, including the specification, claims and drawings, and that this Amendment does not add any new subject matter to the application. Reconsideration of the application as amended is requested. It is respectfully submitted that this Amendment places the application in suitable condition for allowance; notice of which is requested.

If the Examiner feels that prosecution of the present application can be

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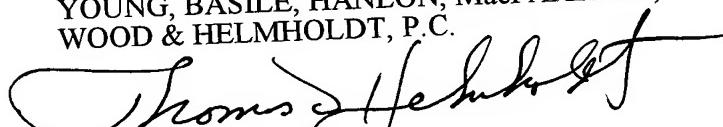
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expedited by way of an Examiner's amendment, the Examiner is invited to contact the
Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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TDH/cmp